

REMARKS

With entry of this amendment, claims 16 and 20 have been cancelled, and claims 29-48 have been newly added. As a result, claims 4-6, 8, 15, 27, and 29-48 are pending in this application. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Amendments

In addition to the amendments noted below, independent claims 1, 8, 15, and 27 have been amended to delete superfluous language. Furthermore, claim 27 has been amended to require the method to deliver stimulation pulses from at least one electrode without any reference to a stimulator.

Claim Rejections-35 U.S.C. §103

Claims 4-6, 8 and 15 stand newly rejected as being obvious over PCT Publication No. WO 98/37926 ("Schulman") in view of "Outcome Following Implantation of a Peripheral Nerve Stimulator in Patients with Chronic Nerve Pain" ("Novak"), in further view of the "Peripheral Neurostimulation for Control of Intractable Occipital Neuralgia" ("Weiner"), "Pain Suppression by Peripheral Nerve Stimulation" ("Picaza"), and "Percutaneous Electrical Nerve Stimulation for Low Back Pain ("Ghonaime"). Claim 27 stands rejected as being obvious over Schulman, in view of Novak, in further view of U.S. Patent No. 6,480,745 ("Nelson"). Applicant respectfully traverses these rejections, since no proper combination of these references discloses, teaches, or suggests the combination of elements required by these claims, as amended.

In particular, each of independent claims 4, 8, 15, and 27 has been amended to require the stimulated peripheral nerves to be located in the thorax of the patient. Support for this amendment can be found in paragraph [0090] of the specification. In contrast, based on Applicant's belief, none of the references discloses stimulation of peripheral nerves in the thorax of a patient. As such, no proper combination of the references suggests this element.

Thus, Applicant believes that claims 4-6, 8, 15, and 27 are not obvious over any proper combination of Schulman, Novak, Nelson, Weiner, Picaza, and Ghoname, and as such, respectfully request withdrawal of the §103 rejections of these claims.

Newly Added Claims

Applicant submits that claims 29-48 are supported by the specification, as originally filed, and are patentable over the cited prior art for at least the same reasons as independent claims 4, 8, 15, and 27 from which they respectively depend are patentable over the prior art.


Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

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Dated: July 15, 2008

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